

CHAPTER 157
PURCHASE OF ADOPTION SERVICES

[Prior to 2/11/87, Human Services[498]]

PREAMBLE

These rules define the children, individuals, and families who are eligible for purchase of adoption services; service components which may be purchased; minimum service requirements; contracting requirements; and management and payment provisions.

441—157.1(600) Definitions.

“Adoptive home study” includes an assessment of the family’s parental attributes and a written report stating approval or nonapproval of the family for adoptive placement of a child or children.

“Contract” refers to a purchase of service contract or agreement between a provider and the department.

“Department” means the department of human services.

“Placement services” includes the activities and travel necessary to place the child in the adoptive family.

“Postplacement services” includes the supervision, support and intervention necessary to assist the adoptive placement.

“Preparation of child” includes activities necessary to ready the child for placement into an adoptive family.

“Preparation of family” includes activities necessary to assist the family in adding a child as a new member of their family.

“Preplacement visits” means contacts, activities, and visits between the child and adoptive family prior to permanent adoptive placement.

“Provider” means a child-placing agency licensed in Iowa or another state or a certified adoption investigator which has a purchase of service contract with the department.

“Recruitment” includes activities designed to identify individuals or families who may be prospective adoptive families for a special needs child or children.

“Screening” includes an initial contact and interview with an individual or family to determine if the individual or family wishes to adopt a special needs child or children and whether or not to proceed with a preplacement assessment and adoptive home study.

441—157.2(600) Eligibility. Individuals and families and special needs children are eligible for purchased adoption services as follows:

157.2(1) Individuals and families. Individuals and families are eligible without regard to income when referred by the department and one of the following exists:

a. An individual or family has applied to the department to adopt a special needs child or children and the department worker is unable to begin the preplacement assessment and adoptive study process within 90 days of the application date.

b. An individual or family applies to a provider to adopt a special needs child or children and department staff determines the family eligible and makes the referral for purchased adoption services.

c. An individual or family who has a current approved adoptive home study applies to adopt a special needs child or children and the department wishes to purchase some components of adoption services in order to facilitate an adoptive placement of a special needs child or children in the family.

157.2(2) *Special needs children.* Special needs children as defined in 441—subrule 201.3(1), who are legally available for adoption and who are under the guardianship of the department, are eligible for purchased adoption services.

441—157.3(600) Components of adoption service. Any or all of the following components of adoption service may be purchased: adoptive home study, preparation of child, preparation of family, pre-placement visits, placement services and postplacement services. The decision as to whether to purchase adoption services is based on the availability of funding, the availability of department staff to provide adoption services to individuals and families, and the needs of the special needs child or children.

157.3(1) *Adoptive home study.* This component includes the following activities:

a. Family assessment. The family assessment shall include a minimum of two face-to-face interviews with the applicant(s) and at least one face-to-face interview with each member of the household. At least one of the interviews shall take place at the applicant's home. The assessment of the prospective adoptive family shall include an evaluation of the family's ability to parent a special needs child or children including the following:

- (1) Motivation for adoption and whether the family has biological, adopted or foster children.
- (2) Family and extended family's attitude toward accepting an adopted child and plans for discussing adoption with the child.
- (3) The attitude toward adoption of the significant other people involved with the family.
- (4) Emotional stability, marital history, family relationships and compatibility of the adoptive parents.
- (5) Ability to cope with problems, stress, frustrations, crises, separation, and loss.
- (6) Medical, mental and emotional conditions that may affect the applicant's ability to parent a child, treatment history, and current status of treatment.
- (7) Ability to provide for the child's physical and emotional needs.
- (8) Adjustment of any children in the home, including their attitudes toward adoption, relationships with others, and school performance.
- (9) Disciplinary practices that will be used.
- (10) Capacity to give and receive affection.
- (11) Statements from three references provided by the family and a minimum of three additional references selected by the adoption worker.
- (12) Financial information, ability to provide for a child and whether there is a need for adoption subsidy for a special needs child or children.
- (13) Attitudes of the adoptive applicants toward the birth parents and the reasons the child is available for adoption.
- (14) Commitment to and capacity to maintain significant relationships.
- (15) Substance use or abuse, if any, by family members or members of the household, treatment history and current status of treatment.
- (16) History of abuse, if any, by family members or members of the household, treatment history, current status of treatment and the provider agency's evaluation of the abuse.

(17) Criminal convictions, if any, by family members or members of the household, and the provider agency's evaluation of the criminal record.

(18) Recommendations for number, age, sex, characteristics, and special needs of a child or children the family can best parent.

b. Record checks. The licensed child-placing agency shall submit record checks for each applicant and for any other adult living in the home of the applicant to determine whether they have founded child abuse reports or criminal convictions. Form 470-0643, Request for Child Abuse Information, and Form 595-1396, Request for Non-Law Enforcement Record Check, shall be used for this purpose.

If there is a record of founded child abuse or a criminal conviction for the applicant or any other adult living in the home of the applicant, the applicant shall not be approved as an adoptive family unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

EXCEPTION: The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has been convicted of a felony offense as set forth in Iowa Code section 600.8(2) "b." The person making the investigation shall not approve a prospective applicant and shall not perform an evaluation if the applicant or any other adult living in the home of the applicant has committed a crime in another state that would be a forcible felony if the crime would have been committed in Iowa, as set forth in Iowa Code section 600.8(2) "b."

The evaluation shall consider the nature and seriousness of the abuse or crime, the time elapsed since the commission of the founded abuse or crime, the circumstances under which the abuse or crime was committed, the degree of rehabilitation, the likelihood that the person will commit the abuse or crime again, and the number of abuses or crimes committed by the person. The person with the founded child abuse or criminal conviction report shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result in denial of approval for adoption.

(1) If the applicant, or any other adult living in the home of the applicant, has been convicted of a simple misdemeanor or a serious misdemeanor that occurred five or more years prior to application, the evaluation and decision may be made by the licensed child-placing agency. The licensed child-placing agency shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.

(2) If the applicant, or any other adult living in the home of the applicant, has a founded child abuse report, has been convicted of an aggravated misdemeanor or felony at any time, or has been convicted of a simple or serious misdemeanor that occurred within five years prior to application, the evaluation shall be initially conducted by the licensed child-placing agency.

1. If the licensed child-placing agency determines that the abuse or crime does warrant prohibition of approval, the licensed child-placing agency shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.

2. If the licensed child-placing agency believes that the applicant should be approved despite the abuse or criminal conviction, the licensed child-placing agency shall provide copies of the child abuse report or criminal history record, Form 470-2310, Record Check Evaluation, and Form 470-2386, Record Check Decision, to the Department of Human Services, Administrator, Division of Adult, Children and Family Services, Hoover State Office Building, Des Moines, Iowa 50319-0114. Within 30 days the administrator shall determine whether the abuse or crime merits prohibition of approval and shall notify the licensed child-placing agency in writing of that decision.

The licensed child-placing agency shall notify the applicant of the results of the evaluation using Form 470-2386, Record Check Decision.

(3) The child abuse and criminal record checks shall be repeated and any founded abuses or convictions of crimes since the last record check shall be evaluated using the same process during the home study update required by Iowa Code section 600.8.

c. Written report. The provider shall prepare a written report of the family assessment, known as the adoptive home study, which shall be used to approve or deny a prospective family as an appropriate placement for a special needs child or children. The family shall be notified by the provider agency in writing of the decision, and if denied, reasons for denial shall be stated. The adoptive home study shall be dated and signed by the provider adoption worker. A copy of the adoptive home study shall be provided to the family and to the department with the notification of approval or denial.

d. Home study updates are required if the home study was written more than one year previously, in accordance with Iowa Code section 600.8. The home study update shall consist of completing the following:

(1) The child abuse and criminal record checks shall be repeated and if there are new founded abuses or conviction of crimes that were not evaluated in the previous home study they shall be evaluated using the process set forth in 157.3(1) "b."

(2) One face-to-face visit shall be conducted with the approved family.

(3) The information in the approved home study shall be reassessed.

(4) An updated report of the reassessment and adoptive home study shall be written, dated, signed and notarized and a copy provided to the family.

157.3(2) Preparation of child. This component includes specific activities designed to enable a child to make the transition to an adoptive placement. The activities shall include, but are not limited to:

a. Counseling regarding issues of separation, loss, grief, guilt, anger and adjustment to an adoptive family.

b. Preparation or update of a life book.

c. Provision of age-appropriate information regarding community resources available, such as children's support groups, to assist the child in the transition and integration into the adoptive family.

157.3(3) Preparation of family. This component includes activities designed to assist the adoptive family in expanding its knowledge and understanding of the child or children. This component should enhance the family's readiness to accept the child or children into their family and encourage their commitment. The activities shall include, but are not limited to:

a. Counseling with the family members.

b. Providing background information on the child.

c. Providing information regarding the child's special needs.

d. Providing information regarding the child's anticipated behavior.

e. Discussing the impact that adding a new member or members to the family may have on all current family members.

f. Informing the family of the community resources that are available to assist the family, such as parent support groups.

157.3(4) Preplacement visits. This component includes activities necessary to plan, conduct and assess the transitional visits between the adoptive family and the special needs child or children prior to the adoptive placement of the child in the home.

157.3(5) Placement services. Placement services include activities necessary to plan and carry out the placement of a child or children into the adoptive home.

157.3(6) *Postplacement services.* Postplacement services include supervision, support, crisis intervention and required reports. Postplacement services are provided from the time a child is placed with an adoptive family until finalization of the adoption occurs.

a. Postplacement supervision should focus on the following areas:

- (1) Integration and interaction of the child or children with the family.
- (2) Changes in the family functioning which may be due to the placement.
- (3) Social, emotional and school adjustment of the child or children.
- (4) Changes that have occurred in the family since the placement.
- (5) Family's method of dealing with testing behaviors and discipline.
- (6) Behavioral evidence of the degree of bonding that is taking place and the degree to which the child is becoming a permanent member of the adoptive family.

b. A minimum of three adoptive home visits are required or, if the family is experiencing problems, as many as are necessary to assess and support the placement. The number shall be determined by mutual agreement between the provider and the department.

Home visits shall be completed at a minimum as follows: one no later than 30 days after placement; one between 60 and 90 days after placement; and a final visit prior to requesting a consent to adopt.

c. A written report based on the postplacement visits with recommendations regarding the finalization of the adoption shall be submitted to the department. Other reporting requirements are addressed in 441—157.6(600).

441—157.4(600) *Contract requirements and management.* The department of human services and the provider agency shall enter into a purchase of adoption services contract using Form SS-1501-0, Iowa Purchase of Social Services Contract—Agency Provider. The development and management of the contract including contract amendments, contract renewal and contract termination shall comply with 441—150.2(1)“a” and 441—150.3(234).

157.4(1) *Units of service and unit rates.*

a. A single child or all members of a sibling group or any or all members of an adoptive family shall be considered one recipient of any unit of purchased adoption service.

b. The unit rate for group services shall represent a total per hour cost of providing the group session. For billing purposes, it shall be prorated to the recipient families in attendance. The need for and use of cofacilitators must be addressed in the contract.

c. One hour of service to a single child, a sibling group or family members shall be considered a unit of service for the following components: preparation of family, preparation of child, preplacement visits, placement services, and postplacement services. Billings shall be based on any quarter or half portion of one hour of service. Monthly cumulative units shall be rounded up if a half hour or over or down if a quarter hour to the nearest whole unit for billing purposes. Service billings for purchase of adoption service shall be based on direct face-to-face contacts between the provider agency and the family members, child, or children. Recruitment and screening, travel, administrative activities, update of adoptive home studies and preparation time shall be considered indirect costs and shall be included in the unit costs, but not counted as billable units.

d. The unit for the adoptive home study component shall be the completion of the home study and shall be billed as one unit.

e. Unit rates shall be established according to 441—150.3(234).

157.4(2) Referral for purchased adoption service. To receive purchased adoption services, the child or children or the individual or family must be determined eligible and referred by the department. The department shall not make payment for purchased adoption service until eligibility is determined, and a referral is made authorizing services on Form SS-1701-0, Referral of Client for Purchased Social Services.

157.4(3) Billing procedures. Billings shall be prepared and submitted at the end of the month to the department by the provider agency on Form AA-2241-0, Purchase of Service Provider Invoice, for contractual services provided by the agency during the month, according to 441—subrule 150.3(8).

441—157.5(600) Case permanency plan requirements. The department worker shall submit to the provider a copy of the department case permanency plan when adoption services are purchased for a specific special needs child. The case plan shall include, but not be limited to, specific components to be purchased and the maximum number of units, the costs determined for each component, and the goals and objectives of the service components. The department worker shall update the plan as necessary to reflect current needs and services, according to case permanency plan guidelines.

441—157.6(600) Progress reports. The provider shall complete written monthly progress reports whenever any of the following components are purchased: preplacement visits, preparation of a child, preparation of a family, or placement services. Postplacement services shall be reported in writing after the 30-day, 90-day, and final home visit at a minimum, or on a monthly basis if the family is experiencing difficulties. The progress reports shall include a brief description of the services provided and the progress with respect to the goals and objectives identified in the case permanency plan. The first report shall be submitted to the department worker no later than one month after service is initiated. The final report shall be submitted within one week after the purchased services are terminated.

These rules are intended to implement Iowa Code chapter 600.

[Filed emergency 8/23/85—published 9/11/85, effective 9/1/85]

[Filed emergency 10/18/85, Notice 9/11/85—published 11/6/85, effective 1/1/86]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed emergency 3/26/87 after Notice 2/11/87—published 4/22/87, effective 4/1/87]

[Filed 8/14/92, Notice 7/8/92—published 9/2/92, effective 11/1/92]

[Filed 10/14/93, Notice 9/1/93—published 11/10/93, effective 1/1/94]

[Filed 6/16/94, Notice 5/11/94—published 7/6/94, effective 9/1/94]

[Filed 4/15/99, Notice 2/10/99—published 5/5/99, effective 7/1/99]